

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
January 20, 2009  
7:00 P.M.**

**MAYOR JEFFREY E. GRAHAM PRESIDING**

**PRESENT:**           **COUNCIL MEMBER ROXANNE M. BURNS  
COUNCIL MEMBER JOSEPH M. BUTLER, JR.  
COUNCIL MEMBER PETER L. CLOUGH  
COUNCIL MEMBER JEFFREY M. SMITH  
MAYOR GRAHAM**

**ALSO PRESENT:**   **CITY MANAGER MARY M. CORRIVEAU  
CITY ATTORNEY JAMES BURROWS**

The City Manager presented the following reports to Council:

- 1 - Commissioner of Deeds
- 2 - Adopting Guidelines and Administrative Procedures for the Rental Rehabilitation Program
- 3 - Approving a Change to the Agreement With New York State Department of State for a \$50,000 Downtown Awareness Grant
- 4 - Approving the Site Plan for the Construction of a 6,962 Sq. Ft. Express Mart, Drive Thru, and Car Wash, 1268 Arsenal Street, Parcel No. 8-53-102.100
- 5 - Approving the Zone Change Request Submitted by the City Council of Watertown, New York, to Change the Approved Zoning Classification of the Parcels Surrounding Flower Street and Fassett Street from a Heavy Industrial District to a Residence C
- 6 - Resolution – Re-Adoption of Fiscal Years 2008-09 through 2012-2013 Capital Budget
- 7 – To discuss the employment history of a particular individual, as it relates to the City Manager’s Office.

**COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK**

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of January 5, 2009 was dispensed with and accepted as written by motion of Council Member Clough, seconded by Council Member Smith and carried with all voting in favor thereof.

**COMMUNICATIONS**

From Advantage Watertown asking City Council to change the designation of the 2004 Downtown Awareness Grant funds, The money was initially earmarked for wayfinding signs, but several issues are preventing that from being accomplished. They asked that the money be

shifted to Regional Advertising in an effort to promote downtown.

**ABOVE PLACED ON FILE**

From the City's Planning Board

1. Recommending Council approve the zone change request for the parcels located on and between Flower and Fassett Streets from Heavy Industrial District to Residential C.
2. Recommending Council approve the site plan requested submitted by Wendy Ferrie of Carmina Wood Morris, PC for the construction of a 6,962 sq. ft. Express Mart located at 1268 Arsenal Street, Parcel Number 8-53-102.100 contingent upon certain requirements being met as outlined in the resolution.

**ABOVE PLACED ON FILE**

**PRIVILEGE OF THE FLOOR**

**Charles Wert**, owner of Wing Wagon on Public Square, addressed the chair concerning parking and safety issues on the north side of the Square. He explained that the double crosswalk is wider than anticipated and the second crosswalk is dangerous for crossing pedestrians. He explained that there should be better signage indicating No Parking. He said that the No Parking signs are 300 feet apart. He said that the number of parking tickets being given out is outrageous. He remarked that while the law is the law, it has to be enforced with common sense. He commented that the north side of the Square has lost so many spaces. He remarked that while he is happy with how the project turned out, he is unhappy with the parking situation on the north side.

Mayor Graham suggested that this topic be discussed more fully during New Business.

**RESOLUTIONS**

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

RESOLVED that the following individuals are hereby appointed Commissioner of Deeds for the term expiring December 31, 2010:

**CITY EMPLOYEES**

Bickel, III, Charles L.  
Boyle, Sean P.  
Brady, Glenn M.  
Chirico, Brandon J.  
Dawley, Matthew  
Gibbs, Gregory P.  
Golden, Jerry D.  
Kubinski, Joseph E.

Lyon, Patrick M.  
March II, Frederick E.  
McIntyre, Scott M  
Moran, Joshua P.  
Pitts, Jonathan M.

Lewis, Elizabeth M.

**NON-CITY EMPLOYEES**

Bisler, Cassandra  
Izzo, Mary G.  
Macklin, Patricia R.  
McIntosh, Martha A.  
Randall, Peggy A.  
Sterling, Scott E.

**SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS the City of Watertown has received Small Cities Community Development Block Grant funding from the New York State Housing Trust Fund Corporation for a Rental Rehabilitation Program, and

WHEREAS Guidelines and Administrative Procedures have been drafted to govern the operation of the Rental Rehabilitation Program, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED that the Guidelines and Administrative Procedures for the City of Watertown's Rental Rehabilitation Program are hereby adopted and shall become effective immediately.

**SECONDED BY COUNCIL MEMBER PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS the New York State Department of State, Division of Coastal Resources has awarded the City of Watertown a \$50,000 grant under Title 11 of the Environmental Protection Fund to implement a Downtown Awareness Campaign, and

WHEREAS the City Council desires to undertake a Downtown Awareness Campaign, which will assist in revitalization of the Downtown, and

WHEREAS the City Council desires to make a change to the Agreement with the New York State Department of State for this project,

NOW THEREFORE BE IT RESOLVED that the City Manager, Mary M. Corriveau, is hereby directed to contact the Department of State and request a change to the Grant Agreement on behalf of the City Council of the City of Watertown.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND DEFEATED  
WITH ALL VOTING NAY**

Prior to the vote on the foregoing resolution, Council Member Clough remarked that there had just been talk about signage in the downtown area. He stated that he doesn't know if we would be accomplishing anything by moving the funds or just creating a problem. He stated that while he agrees in advertising, the City should be investing in new businesses to locate downtown instead. He remarked that small stores are the answer for the downtown.

Council Member Smith remarked that he saw nothing from the NYS DOT indicating that they aren't going to approving this after they had approved the grant. If they aren't going to approve this use of the funds, he questioned where the letter was.

Mrs. Corriveau explained that the funds weren't from NYS DOT, but from NYS Dept. of State, Division of Coastal Resources. NYS DOT requires their standard signage and that is not what we wanted to use. She explained that we are trying to build a consistent look in signage. However, it doesn't meet NYS DOT specifications and now more signage has been added in the downtown area due to the streetscape project.

Mrs. Hoffman showed the wayfinding sign to the Council. She explained that we now know that we are not going to be able to do this signage as planned. She commented that it wouldn't be allowed by the state even if the city paid for it.

Council Member Smith remarked that it would seem we could use the funding for parking signs and the wayfinding signs could be use in areas that are not in the right of way.

Council Member Burns commented that NYS DOT approved the concept of wayfinding signs, but not the finished product.

Council Member Clough remarked that dropping the funds for the signs is not a good idea and the funding shouldn't be put in advertising.

Council Member Smith responded that if we advertise and no one can find the way to whatever we have advertised, it makes no sense. He stated that he can't support paying for advertising. He commented that the sample of the wayfinding sign is much nicer than standard NYS DOT signage as is easily seen.

Mrs. Corriveau explained that these signs could be placed on city streets, just not on state or federal highways.

Mr. Hauk answered questions concerning signage in the downtown area. He explained that there are start and stop signs, no parking signage and parking limit signs. He also advised that during construction there were temporary signs directing traffic to J.B. Wise parking.

Council Member Burns asked if there are currently signs directing traffic to parking lots, library

and the Jefferson County Historical Society.

Mr. Hauk will check.

**Mrs. Mary Ann Wert** addressed the chair advising that there is signage for the museums on the island before going onto Washington Street.

Council Member Clough commented that the wayfinding signs should be in other places than just downtown.

Mrs. Hoffman explained that Franklin and Gotham Streets could be used. However, most of the other streets that were selected for the signage are state routes.

Mayor Graham asked what would stop the city from putting up the signs.

Mrs. Hoffman explained that the state made them take down signage on Arsenal Street. She explained that they require the signage to be uniform in color, shape and lettering and even in the amount of glare they give off from vehicle headlights.

Mayor Graham remarked that the bridge over Route 81 is more of a public safety issue and it is disconcerting that they won't let the city use the signs.

Council Member Clough remarked that there is a sign for the zoo on Arsenal Street and then none after that. He also commented that there is no signage on Bradley or Pearl directing people to downtown and some people believe that Outer Arsenal is downtown.

Council Member Smith commented that he would like to see the nice wayfinding signs placed in neighborhoods.

Council Member Burns asked if this could be sent back to Advantage Watertown with the suggestions of what Council would like to see happen.

Council Member Smith asked if there was an appeals process to NYS DOT.

Mr. Hauk responded that he has never been involved in an appeals process with them.

Mayor Graham remarked that he suspects that there are communities that put up signs that aren't compliant. However, we are looking at a way to be compliant but use our signage in other areas.

Council Member Clough commented that there should be a downtown sign at the Route 81 exit. He also asked Mr. Hauk about the size of the downtown crosswalk.

Mr. Hauk explained that between the crosswalks is 97 feet. As the speed tables are approached, there is between 120-125 feet of clear space from the last parking area.

Council Member Clough asked how large the area was from the first space to the next parking

space.

Mr. Hauk responded that it was 120 to 125 feet.

Council Member Clough asked how many spaces were lost between the speed table and Anthony St.

Mr. Hauk said between 5 and 7 spaces.

Council Member Clough remarked that there should be more signage there.

Mayor Graham remarked that Council needs to get back to the discussion on the resolution.

Council Member Burns suggested that the Council comments and concerns be relayed to Advantage Watertown and ask them to look at options.

Mayor Graham commented that he is not a huge fan of government buying advertising.

Council Member Butler referred to a letter from WLDC which references the \$5,000 for in kind services.

Mrs. Corriveau explained that this had been spent for the design of a branding look for downtown.

#### **INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS Wendy Ferrie, of Carmina Wood Morris, PC, has made an application for site plan approval, for the construction of a 6,962 sq. ft. Express Mart, Drive Thru, and Car Wash at 1268 Arsenal Street, Parcel No. 8-53-102.100, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on January 6, 2009, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. That a site traffic circulation plan be submitted to the Engineering Department for review and approval prior to City Council approval.

2. That three trees are added along Western Boulevard side of the property.

3. That the following note be added to the drawings: "All water main and service work must be coordinated with the City of Watertown Water Department. The Water Department requirements supersede all other plans and specifications provided".

And,

WHEREAS the applicant submitted a revised site plan to the City Engineering Department on January 14, 2009 that meets all of the conditions recommended by the Planning Board, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2 and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, New York that site plan approval is hereby granted to Wendy Ferrie, of Carmina Wood Morris, PC, has made an application for site plan approval, for the construction of a 6,962 sq. ft. Express Mart, Drive Thru, and Car Wash at 1268 Arsenal Street, Parcel No. 8-53-102.100, as shown on the revised site plan submitted to the City Engineer on January 14, 2009, and

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with sufficient copies of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Codes Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Codes Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval.

**SECONDED BY MAYOR JEFFREY E. GRAHAM AND CARRIED WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, Mr. Mix explained that this is on the Mobil Station property.

Council Member Butler asked if the Planning Board conditions were all included in the revised site plan.

Mr. Mix stated that they were.

**INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH**

WHEREAS, the City of Watertown has investigated alternatives to help alleviate the nuisance of crows within the City, and

WHEREAS, the City of Watertown has been in contact with the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) for professional services to administer a non-lethal crow roost management program, and

WHEREAS, the USDA will use various harassment methods such as pyrotechnics, recorded distress calls and hand held lasers, and

WHEREAS, by using this strategy, the crows should relocate to an alternate, more suitable roosting site reducing local conflicts associated with urban roost,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Cooperative Services Agreement between the City of Watertown and the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) to establish and administer a non-lethal crow roost management program.

BE IT FURTHER RESOLVED that the City Council hereby authorizes and directs the City Manager, Mary M. Corriveau, to execute the Agreement on behalf of the City of Watertown.

**SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA**

**RULES WAIVED BY MOTION OF COUNCIL MEMBER CLOUGH, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**MOTION WAS MADE BY COUNCIL MEMBER CLOUGH TO TAKE FROM THE TABLE THE RESOLUTION “READOPTION OF FISCAL YEARS 2008-09 THROUGH 2012-13 CAPITAL BUDGET”. MOTION WAS SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Prior to the vote on the foregoing resolution, Mayor Graham asked if this would still allow for the entrance roads on Public Square.

Mrs. Corriveau explained that the discussion that took place concerns scaling back the covered walkway, but still doing the parking lot work and entrance roads. There will still be a covered area, but it will be a lot smaller than initially proposed. The connection to the river continues to exist. J.B. Wise lot is moved to 2010-2011. Mrs. Corriveau also explained that it is still shovel ready but is being pushed out because of a shortfall in funding on the City’s side. She also answered questions pertaining to if a federal stimulus package would be available.

Council Member Butler asked about the brownfields remediation in 2009-2010 and asked how



much help was being received from other sources and what the amount of the city's commitment was.

Mr. Mix explained that Sewall's Island is 90 % state funded and 10% federally funded. He explained that there was no city share.

Council Member Clough asked Mr. Hayes about the roof rehabilitation at the arena and the fact that just because it was taken out, doesn't mean that it won't be done in the future, but merely gives the city more time to get it correct.

Mr. Hayes explained that it gives us a period of time for the consultant to make a presentation to develop firmer figures.

Council Member Smith questioned why it wasn't pushed out instead of eliminated.

Mr. Hayes explained that the engineers have to give the city their plan.

Council Member Smith replied that he previously recommended replacing the roof instead of doing a patch job. He again questioned why it was eliminated and not pushed out.

Mrs. Corriveau responded that it was eliminated because she has no dollar amounts. We have waited for the engineers to get us costs for 4 or 5 months. She explained that until she can tell the Council what the cost would be, it would be irresponsible for her to put it in the document. She explained that the city will use a wholistic plan of how we address everything at that facility.

Council Member Smith questioned if when other projects are pushed out if the dollar amount will be the same. He commented that when Breen Avenue was pushed out, the figures didn't change.

Mrs. Corriveau explained that she had asked department heads to go back and see what the costs would be.

Mr. Hauk explained that this figure is a rough order of magnitude number as we don't have design numbers to plug in.

Mrs. Corriveau commented that the arena roof has changed to an arena roof with solar panels. She stated she doesn't know the impact to the budget.

Council Member Smith asked the status of the Bernier Carr report and what they had compiled to date.

Mr. Hayes explained that the inspections are done and they are running the numbers. They will be sitting down with staff in the next couple of weeks. He advised that the report should be to Council in four to six weeks.

Mayor Graham advised that when Council authorized the study, the idea as to identify

deficiencies in the facility and how to correct them.

Mrs. Corriveau also commented that there are new pool requirements that must be implemented before pools can be opened this year.

Mayor Graham remarked that readopting this budget will take us through this fiscal year.

Council Member Smith explained that his concern is that something will need fixing and it won't be done because Council will be told they approved eliminating it.

Mr. Hayes answered questions concerning the arena floor. He explained that the floor would be a tremendous cost. However, the city has the time as he hasn't seen any physical failure with the floor.

Council Member Smith remarked that if the city waits for failure, we will destroy a season for sports.

Mrs. Corriveau commented that if you wait for failure for anything, you are not being prudent. She explained that Council asked Bernier Carr to come back with a report of changes to be made and the time changes that they should be made in.

Council Member Smith remarked that everything could have been eliminated on the list.

Mrs. Corriveau advised that Mr. Hayes and Mr. Monaco put together a report knowing what the equipment needs are. She also commented that last year a piece of equipment failed and it was swapped with a piece of equipment from next year to this year.

Council Member Butler responded that the message he is getting about the arena is that it is not all that important and that recreation in general is being attacked and is not a top priority.

Mayor Graham commented that by eliminating this, it requires affirmative action by Council to put back in. He stated that this is better than pushing it out to later years.

Mrs. Corriveau remarked that the budget continues with reinvestment in the pools. The city continues to reinvest in Thompson Park. She stated that recreation has not been gutted, it has been diminished. She also advised that even with these cuts, the projection is for a \$3.8 million shortfall in the 2009-10 general budget.

Council Member Smith remarked that Council should discuss which pool is going to be eliminated before it is. He stated that all the pools have their problems. However, the plan is to close the one at Thompson Park while leaving open the other two which are located on the same side of the city.

Council Member Clough responded that this is a discussion on something that hasn't even been proposed. He stated that we need to get back to what the resolution is on. He commented that if we don't cut now, we will be hurting worse. He stated that he didn't agree with Council Member

Smith that recreation is being gutted. He said that a lot of recreation programs are going on. He remarked if things have to be done, they have to be done and every department was hit.

Council Member Smith responded that he is confused because at the last meeting the majority of the Council voted to spend extra money for the bus garage on a wish list that included a \$2,000 snow blower. He stated that the department that gets gutted with projects being eliminated is recreation.

Council Member Clough stated that Council Member Smith voted for putting crow money back into the budget because somebody complained about the crows on Ten Eyck St. and voted to put the library money back in as well.

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING  
RESOLUTION AT CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL  
MEMBERS BUTLER AND SMITH VOTING NAY**

## **ORDINANCES**

### **INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

BE IT ORDAINED where the City Council of Watertown, New York, has made application by petition filed with the City Clerk, pursuant to Section 83 of the New York General City Law to change the approved zoning classification of the area surrounding Flower Street, Fassett Street, Hill Street, and Wise Street from a Heavy Industrial District to a Residential C district, and

WHEREAS the parcels which are sought to be rezoned are as follows:

4-19-802.000	4-19-101.000	4-19-204.000	4-19-307.000	4-19-602.000	4-19-301.000
4-19-801.000	4-19-702.000	4-19-202.000	4-19-807.000	4-19-601.000	4-19-908.000
4-19-510.000	4-19-701.000	4-19-902.000	4-19-806.000	4-19-509.000	4-19-907.000
4-19-506.000	4-19-514.000	4-19-901.000	4-19-805.000	4-19-508.000	4-19-906.000
4-19-505.000	4-19-513.000	4-19-614.000	4-19-804.000	4-19-507.000	4-19-905.000
4-19-503.000	4-19-502.000	4-19-613.000	4-19-803.000	4-19-306.000	4-19-904.000
4-19-207.000	4-19-501.000	4-19-612.000	4-19-616.000	4-19-305.000	4-19-903.000
4-19-206.000	4-19-404.000	4-19-606.000	4-19-615.000	4-19-304.000	4-19-611.000
4-19-402.000	4-19-403.000	4-19-605.000	4-19-604.000	4-19-303.000	4-19-610.000
4-19-401.000	4-19-205.000	4-19-308.000	4-19-603.000	4-19-302.001	4-19-609.000
					4-19-608.000

and,

WHEREAS the Planning Board of the City of Watertown considered the zone change request at its meeting held on January 6, 2009 and adopted a motion to recommend that the City Council approve the zone change, and

WHEREAS a public hearing was held on the proposed zone change on February 2, 2009, after due public notice, and

WHEREAS the City Council has made a Negative Declaration of the environmental impacts of the proposed zone change according to the requirements of SEQRA,

NOW THEREFORE BE IT ORDAINED that the zoning classification shall be changed for Parcels Number:

4-19-802.000	4-19-101.000	4-19-204.000	4-19-307.000	4-19-602.000	4-19-301.000
4-19-801.000	4-19-702.000	4-19-202.000	4-19-807.000	4-19-601.000	4-19-908.000
4-19-510.000	4-19-701.000	4-19-902.000	4-19-806.000	4-19-509.000	4-19-907.000
4-19-506.000	4-19-514.000	4-19-901.000	4-19-805.000	4-19-508.000	4-19-906.000
4-19-505.000	4-19-513.000	4-19-614.000	4-19-804.000	4-19-507.000	4-19-905.000
4-19-503.000	4-19-502.000	4-19-613.000	4-19-803.000	4-19-306.000	4-19-904.000
4-19-207.000	4-19-501.000	4-19-612.000	4-19-616.000	4-19-305.000	4-19-903.000
4-19-206.000	4-19-404.000	4-19-606.000	4-19-615.000	4-19-304.000	4-19-611.000
4-19-402.000	4-19-403.000	4-19-605.000	4-19-604.000	4-19-303.000	4-19-610.000
4-19-401.000	4-19-205.000	4-19-308.000	4-19-603.000	4-19-302.001	4-19-609.000
					4-19-608.000

surrounding Flower Street, Fassett Street, Hill Street, and Wise Street from a Heavy Industrial District to a Residential C district, and

BE IT FURTHER ORDAINED that the Zoning Map of the City of Watertown shall be amended to reflect the zone change, and

BE IT FURTHER ORDAINED that this amendment to the Zoning Ordinance of the City of Watertown shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or printed as the City Manager directs.

**SECONDED BY MAYOR JEFFREY E. GRAHAM**

**MOTION WAS MADE BY COUNCIL MEMBER SMITH TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING ORDINANCE FOR MONDAY FEBRUARY 2, 2009 AT 7:30 P.M.**

**MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND DEFEATED WITH ALL VOTING NAY.**

Prior to the vote on the foregoing motion, Mayor Graham commented that there are two issues concerning this ordinance. He remarked that Council decided that this section of the city needed to be looked at and the concerns were sent to the Planning Board. They recommended Residence C. However, it was a split decision with Mrs. Freda stating it should be Residence A. He explained that Council concerns were for the entire neighborhood. However, this ordinance doesn't address the whole neighborhood as the city currently doesn't have the appropriate categories in the City Code. Therefore, it would take a while to change the whole neighborhood.

He questioned if Council wants it to be Residence A or C and explained that it is not as simple as amending it from the floor.

Council Member Smith asked about it being amended tonight.

Mrs. Corriveau explained that it would have to go back to the Planning Board.

Attorney Burrows explained that Council makes the final decision, based on Planning Board recommendations.

Mayor Graham explained that a zone change could generate from Council as long as there is a public hearing.

Mrs. Corriveau and Attorney Burrows advised that it still has to go to the Planning Board.

Mayor Graham commented that Heavy Industry is very restrictive. Opponents would probably force a 4/5 vote.

Council Member Smith questioned why it should go back to the Planning Board if they recommended C and the majority of the Council wanted A.

Council Member Butler remarked that he would like to know the legal aspect of this.

Council Member Burns remarked that she is concerned about singling out one neighborhood when Council had asked the Planning Board to look at the whole area. She remarked that she wouldn't want it to be perceived as spot zoning. She suggested it go back to the Planning Board for them to come back with a clear cut recommendation for the whole area.

Mayor Graham responded that he has heard comments from the neighborhood asking why the City is picking on them. He remarked that a public hearing should be held to get input.

Council Member Clough remarked that he agrees with looking at the whole thing. He questioned why it should be Residence A, as that is much more restrictive than Residence C.

Mayor Graham suggested having Mr. Mix do a presentation on Feb. 2<sup>nd</sup> concerning this and to invite Mr. Wayte, Chair of the Planning Board to attend. Mayor Graham remarked that we are trying to make a determination without the benefit of public hearing. He also remarked that it would be tough to kick this back to the Planning Board saying that Council wants it to be A instead of C.

Council Member Clough remarked that it should not be just part of the neighborhood. It should be the whole area.

Council Member Butler remarked that the whole area might not all be C or A.

Mr. Mix explained that this could be put together through a series of ordinances for the several changes that would be made.

Mayor Graham advised that he would need to receive an opinion from the Board of Ethics before voting on zone changes involving his neighborhood.

Mrs. Corriveau stated that at the November 10<sup>th</sup> meeting, staff was given clear directions that what Council wanted was for Flower and Fassett. The statement was made several times.

Council Member Smith responded that this was true.

Council Member Butler remarked that residents call Council members, not the Planning Board, to express their discontent with how they are going to rezone it. He stated that Residence A is a better fit.

Mr. Mix explained that single family homes are not an issue. They can go on the present lots under C and on non-conforming lots under A. He advised that people have contacted the Planning Department, two and three times a day. They've also contacted Planning Board members. There responses were not negative at all. Some mainly had questions.

Mrs. Corriveau explained that the benefit to holding a public hearing is that Council will get to hear from the residents and Mr. Mix can give the presentation.

Mayor Graham asked Attorney Burrows if it would have to go back to the Planning Board, if, after the public hearing, the Council decided they wanted it A.

After researching NYS General Law and the City Code, Attorney Burrows advised that authority to amend is vested in the Council. If after a public hearing, Council wishes to amend the ordinance, another public hearing would have to be held on the amended ordinance.

Another motion was introduced to schedule a public hearing on the ordinance as it appears on the agenda.

**MOTION WAS MADE BY MAYOR GRAHAM TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING ORDINANCE FOR MONDAY, FEBRUARY 2, 2009 AT 7:30 P.M.**

**MOTION WAS SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER CLOUGH VOTING NAY**

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**COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

## **Parking on Public Square**

Council Member Butler asked if the original blue print called for elimination of that many parking spots. He also asked about the width of the walkway in the original design.

Mr. Hauk explained that these were in the final design package.

Mr. Wert remarked that they never received that package.

Council Member Butler commented that the walkway is enormous and that common sense says that there is no reason for a walkway to be that wide. He suggested adding four or five parking spaces. He asked about resolving this and if changes could be made or if this was a done deal.

Mr. Hauk explained that the final project design was brought to Council and was presented to the public as well as being approved by NYS DOT and was built as such.

Council Member Butler stated that he had been informed that after a certain point, the city can implement changes if they want to.

Mrs. Corriveau advised that the city hasn't received all of the state funding yet.

Mr. Hauk explained that the city has to follow the regulations and the design restrictions. He explained that the dilemma is that downtown is on a national highway system and the fact that the streetscape money was designated to make the project more workable and pedestrian friendly.

Council Member Burns asked Council Member Butler if he meant to cut into the synthetic asphalt to make more parking.

Council Member Butler responded that this is what he meant or don't enforce the parking ban.

Council Member Burns commented that there should be clear direction to staff, not just say there should be more parking.

Mayor Graham remarked that signage is one issue. The other is adding parking spaces or a standing area.

Council Member Butler asked if anything could be done and if so, he would be willing to meet with Mr. Hauk and the business owner. If nothing can be done, then that would be the end of it.

Mr. Hauk explained that if the question is signage, he would like to have the final payment from NYS DOT before we start moving signage around.

Council Member Butler responded that he understands that the time frame might have to be longer.

### **Icy Conditions on Arsenal Street**

Council Member Butler remarked that over the weekend, there were icy conditions on Arsenal Street near Aldi's.

Mrs. Corriveau advised that Arsenal Street is a state highway and is maintained and plowed by the state up to Massey Street.

### **Ratio of Salt/Sand**

Council Member Butler asked about this.

Mr. Hayes explained that the city has cut back and is not sanding as much in the residential areas as in the past. He stated that they are doing more maintenance on Public Square than ever before.

Council Member Butler gave compliments to DPW for the fine job they did this weekend.

Council Member Smith asked about getting the magnesium salt.

Mr. Hayes stated that we are getting it and are trying to balance it out with the agreement that the city has with the county. He stated that the city is buying as much of the treated salt as they can.

Council Member Smith remarked that the emphasis for salting should be on the intersections.

Council Member Clough remarked that on Saturday and Sunday State Street was very rutted. He asked if the city did any scrapping there.

Mr. Hayes remarked that they had asked for a travel ban and what Council Member Clough saw was the vehicles traveling unnecessarily. He stated that when the street gets like that, the plows glide on it like it is bare ice.

Mayor Graham remarked that the only means to notify people of the travel ban was through conventional media and asked if there were other ways of contacting residents.

Fire Chief Gaumont explained that the county has reverse 911 for emergency. This could blanket the city or particular neighborhoods. It won't work for cell phones. It has been tested with fire personnel. The cost is 10 cents a call and the City would have to pay for it. This is done through a private firm located in Rochester.

Council Member Butler asked about using Amber Alert type messaging.

Chief Gaumont explained that these types of messages can be sent to cell phones.

### **Bicycles/Electric Wheelchairs**



Mayor Graham discussed the safety concerns of bicycles and electric wheelchairs being used on city roadways now that the snow banks are so large. He asked what was decided about the wheelchairs.

Mrs. Corriveau remarked that they are considered pedestrians and should respond to the same rules as pedestrian have.

### **Mercy Healthcare of NNY**

Mayor Graham advised that he and Mrs. Corriveau are trying to meet with the county, the CEO of Mercy, the CEO of SMC and Alcorp to gain knowledge of what this whole issue. He remarked that it may not be as eminent as first thought and there maybe more time to work with the parties involved. He stated that there are long term challenges and he urged Council members to keep up on the issue.

### **Salary Increases**

Mayor Graham referred to the fact that Council had approved the WHA pay increase at 2.5%. He stated that one of the few variables in the city budget is the amount of pay increase allocated for non-union employees. He suggested using the 2.5% figure to plug into the budget deliberations.

Council Member Burns remarked that she is not opposed to giving direction to the City Manager for non-union employees. However, she wouldn't want to have discussions about unionized employees.

Mayor Graham remarked that his goal is to strike a balance and to treat employees fairly.

Council Member Butler commented that the funding for WHA is not city tax dollars and he didn't feel the figure was a good bench mark. He suggested looking at the consumer price index figures.

Council Member Burns and Council Member Smith agreed with Mayor Graham. Council Member Smith stated that he wouldn't go any higher.

Council Member Butler and Council Member Clough did not agree with using the 2.5% figure.

### **New York State Power Authority**

Mrs. Corriveau advised that there would be a meeting at City Hall with the authority representatives on Friday at 10 a.m. Council Member Butler had expressed interest in participating and other Council members might want to attend. Site visits will be conducted and discussion will be held with them about the building facilities and street lights. She explained that King Luminaire has LED lights for them. However, National Grid hasn't gotten there yet and has no standards for them yet.

Mayor Graham commented that it would be nice to be a leader in the area in a pilot project.

Mrs. Corriveau explained that the halophane one has been put up at 258 Mullin Street.

**EXECUTIVE SESSION**

**MOTION WAS MADE BY COUNCIL MEMBER TO MOVE INTO EXECUTIVE SESSION TO DISCUSS THE EMPLOYMENT HISTORY OF A PARTICULAR INDIVIDUAL AS IT RELATES TO THE CITY MANAGER'S OFFICE.**

**MOTION WAS SECONDED BY COUNCIL MEMBER AND CARRIED WITH ALL VOTING YEA**

Council moved into Executive Session at 9:28 p.m.

Council reconvened at 9:40 p.m.

ADJOURNMENT

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:40 P.M. BY MOTION OF COUNCIL MEMBER CLOUGH, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**Donna M. Dutton**  
City Clerk